<u>Comments to RM-11306</u>

Introduction:

My name is Larry Robison and I hold amateur Extra class license, W8ER. I have been licensed for 48 years. Besides my interest in restoring vintage amateur radio equipment, I am using a software defined radio on the HF amateur bands. I am also one of the authors of the CTT proposal RM-11305.

I am filing **opposed** to RM-11306. This proposal fails to demonstrate any benefits to the current popular mainstream modes and would challenge the more traditional purposes of the hobby. RM-11306 also attempts to justify its conclusions, regarding the future of amateur radio and digital experimentation, without providing any data that measures the prevalence of digital modes, neither does it offer adequate anecdotal evidence that digital development is constrained in any way. Additionally, this proposal fails key tests against prevailing FCC regulatory philosophies.

Discussion:

FCC Regulatory Philosophies:

In dealing with a recent proposal (RM-10740) the FCC made several statements regarding bandwidth and FCC regulatory philosophies that are appropriate in dealing with RM-11306. I would like to refresh the record by restating excerpts from DA-04-3661 with appropriate remarks in my comments.

- Regarding bandwidth restrictions, it was stated by the Commission: "We conclude that Petitioners' request for an amendment of our rules is inconsistent with the Commission's objective of encouraging the experimental aspects of amateur radio service."

The ARRL intimates, in RM-11306, that their view of dividing amateur HF bands and introducing bandwidth measurement as its basis, would further the development of amateur radio. It does not make sense that additional complicated definition and restriction could possibly encourage experimentation!

- Further the Commission states: "The Petition also fails to demonstrate that a deviation from the Commission's longstanding practice of allowing operating flexibility within the amateur service community is either warranted or necessary."

"***Operating Flexibility***" I would ask the Commission to recognize that the present allocation of amateur subbands is unduly restrictive to popular mainstream modes because technology and operating practices have substantially changed since the present subband definitions were adopted. This has resulted in phone portions of each HF band being overcrowded and sections, reserved for less popular modes, grossly underutilized.

Data submitted as part of proposal RM-11305 shows clearly that phone modes are predominant in defining the usage of the HF amateur spectrum space today. It's huge popularity and the allocation of half, or less than half (depending on license class) of the available amateur spectrum, is the main reason for the overcrowding, not signal bandwidth!

Imposing bandwidth based subbands, suggested by the ARRL in proposal RM-11306, does nothing to further the efficient use of the available spectrum space and negatively affects **"*operating flexibility*"** due to its regulatory restriction and complexity. It certainly does NOT address any of the problems experienced by mainstream modes in use today, which is critical!

While there are digital modes in use, they are a small portion of amateur activity. To allocate HF spectrum space, based on what the ARRL suspects might happen in the future, without supporting data, is not reasonable. If we can freely speculate about the future however, it would seem more reasonable to think that today's mainstream modes will remain exceedingly popular for a long time and digital modes are not going to replace the good old microphone for a while!

Removing restrictions and the subbands that they create, would allow spectrum space to be allocated dynamically as is needed by technology **and** operating practices.

The 160 meter amateur band, which has no subband allocations, is an excellent example of how the remaining HF amateur bands should be treated. Please, check with the enforcement division of the FCC asking for statistics regarding reported problems related to not having allocated subbands. You fill find few if any at all! Less, not more, regulation is a proven solution!

- The Commission states: "Further, we believe that our existing rules -- including the provisions that no amateur station transmission shall occupy more bandwidth than necessary for the information rate and emission type being transmitted, in accordance with good amateur practice, and that emissions outside the necessary bandwidth must not cause interference to operations on adjacent frequencies are adequate to address any noncompliant practices by amateur operators."

It should be considered that introducing rules that divide the amateur HF allocations by bandwidth demands that more attention be paid to bandwidth, and it complicates the environment further, rather than simplifying it. "In accordance with good amateur practice" applies equally to mainstream modes and new modes and changing this is not necessary.

To this point, the FCC has counted on the amateur radio service to be self policing. Introducing allocation by bandwidth would require equipment and expertise that does not widely exist in amateur stations today and because of expense, would not be available to many amateurs in the near future. This means that the amateur service would now shift reliance on policing to the FCC in a very large way.

Even the present method of allocation by mode and license class requires the frequent referral to band charts, and other aids, to assure compliance. The ARRL itself produces and distributes such charts and aids! The horror of determining where one could operate what mode with what bandwidth and which license class, as is suggested by the ARRL in RM-11306 would certainly contribute to unmanageable confusion.

- Further the Commission states: "Regarding Petitioner's request that amateur stations transmitting emission type A3E not be authorized to occupy more than 5.6 KHz bandwidth on amateur frequencies below 28.8 MHz, we agree with commenters who note Petitioners have not demonstrated there to be a particular problem with stations that transmit AM emissions. Moreover, the Commission has previously declined to restrict bandwidth for AM because to do so would be inconsistent with the basic purpose of amateur service and our desire to offer amateur operators the opportunity to experiment with various types."

This hysteria over bandwidth that is being used to help justify the adoption of RM-11306 is simply overblown and an overreaction. There are three factors, 1) overcrowding of phone portions of the HF bands, as addressed earlier in my comments, and 2) by the promotion of the filing of the ARRL proposal by the ARRL itself and 3) bandwidth bigots that go around complaining about any voice mode that uses more than what they think is reasonable bandwidth. The existence of #3 resulted in the filing of the petition that resulted in RM-10740!

Let's address the hysteria, by a few, over the bandwidth advantages of one mode over another. If bandwidth is really "THE" concern of most amateurs and bandwidth restriction the solution, why not do away with all modes except A1 (CW), as it affords the most efficient use

of bandwidth? Each mode, including AM, has a right to exist in the amateur service because it serves the interest of those who prefer a particular type of operation and experimentation and those individuals that it attracts. Yes, amateur radio is a social hobby as well and **no one segment of the service has importance that supercedes any of the others**, except emergency communications!

Failure to provide standards:

The ARRL, in published statements regarding their upcoming proposal (now RM-11306), stated on April 13th 2005, that amateurs would **not** have to be able to measure the bandwidth of their signals. They fail to provide a definition of bandwidth or a method for measuring it! It might be assumed that when they say a signal 3.5 kHz wide, that it is a definition, but they fail to say how far down the signals products must be at the 3.5 kHz point, a gross omission.

"The proposed bandwidths are more than sufficient for 'clean' signals using the traditional HF modes," Dave Sumner K1ZZ CEO of the ARRL stated: "Measurement would only arise as a potential problem for those who try to push the edge of the envelope."

These comments clearly indicate that the ARRL sees their proposal, by introducing "bandwidth" to define subbands, as having hidden usefulness as a tool for other enforcement issues, in their own words, regarding "those who try to push the edge of the envelope". I caution the Commission that accepting the division of the amateur subbands by bandwidth raises a whole new basis for requesting enforcement action based on such measurement and in the FCC's own words the practice would be "inconsistent with the basic purpose of amateur service.

The measurement of bandwidth of digital modes isn't quite as complicated as the measurement and management of traditional modes. Even if the ARRL had defined more clearly the acceptable parameters, the equipment to measure such, is expensive and cost much more than the amateurs communication equipment itself! It is simply beyond the means of most amateurs.

Conclusion:

The FCC has made it clear that it expects "amateur operators to act in good faith in the exercise of their operations as required by Section 97.101(d) of the Commission's rules, which provides that no amateur operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal."

Despite a few comments that more rules and regulation and enforcement are necessary for the health of the hobby, let's realize that the majority of amateur operators do indeed act in good faith and do their best to follow the Commission's rules. How then could we reasonably expect that providing complicated bandwidth based allocation would make it easier to comply with FCC rules and act in good faith? Additionally, it does not seem reasonable that those few who choose to purposely violate the FCC rules would be encouraged to change their ways because of tougher more complicated regulations, either!

The ARRL's proposal RM-11306 clearly fails to support the amateur community's good faith by seeking to impose draconian limits and reduce the ability of licensed amateurs to ascertain that they remain in compliance with such regulations.

I implore the Commission to take action that addresses the inequity of the present subband allocations. The answer may well not be the elimination of subbands but a simple realignment of such, using popular activity as a guideline. This will not eliminate the need to revisit the subband assignment in the future as we sought in RM-11305 but would fix the problem of more efficiently using the spectrum space assigned to the amateur service. I suggest reference to the IARU Region 2 band plan that has been accepted by most countries in North and South America and fits well with IARU band plans for all other regions of the world.

I would like to thank the Commission for taking the time and effort to look at this problem.

Respectfully submitted,
Larry Robison